

Jamie Rucker (JCR 6767)
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, New York 10278
(212)264-0300

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**CELESTE J. MATTINA, Regional Director,
Region 2, National Labor Relations Board,
for and on Behalf of the NATIONAL
LABOR RELATIONS BOARD,**

Petitioner,

-against-

08 Civ. 03332

**SAIGON GRILL GOURMET RESTAURANT, INC. &
SAIGON SPICE, INC. d/b/a SAIGON GRILL
RESTAURANT,**

J. Chin

Respondent.

ECF

-----x
AFFIDAVIT

County of New York)
) SS
State of New York)

I, Shu Hui Chen, being duly sworn, do hereby affirm as follows:

1. I began working for Saigon Grill Restaurant ("Saigon Grill," "the Restaurant," or "the Employer") in about 2002 or 2003. I worked at the Employer's facility at 620 Amsterdam Ave. I remained employed there until March 3, 2007, when I and all the other delivery persons were fired by Simon Nget and Michelle Nget.
2. My work schedule at the time my employment ended was Monday through Sunday. Mondays and Fridays, I worked from 11:00 a.m. until midnight; on Tuesdays and Sundays I worked from 5:00 p.m. to 10:30 p.m.; on Wednesdays I worked from 11:30 a.m. to midnight; on Thursdays I worked from noon until midnight; and on

Saturdays I worked from 5:00 p.m until midnight. I was paid \$520 monthly. I also made about \$4000 per month in tips.

3. Before I was fired in March 2007, the Employer used to pay me an extra dollar for deliveries over thirteen blocks away, and an additional dollar for each additional fourteen blocks. I also used to receive an extra dollar from the Employer for deliveries to the East Side.

4. Some of my former co-workers at the Restaurant received written offers to return to work part-time in about mid-March 2008. I did not receive any letter or telephone call from Simon Nget, the owner of the Restaurant, offering to return me to work.

5. I went to the Restaurant on about March 17, 2008, when some of my former co-workers, including Yu Ming Yu, were returning to work at the Restaurant. I spoke to Simon Nget there and presented him with documents demonstrating that I was authorized to work in the United States. Simon Nget made copies of my documents and took down my phone number. Simon Nget told me that he had not yet arranged a schedule for me to work. He did not promise to call me. To date no one from the Restaurant has called or written to me to offer to return me to work.


I have read this statement of 2 pages, including this one, I fully understand its contents, and I certify that it is true and correct to the best of my knowledge and belief.

Shu Hui Chen

Sworn to before me at
26 Federal Plaza, Room 3614
New York, New York this
22nd day of April 2008

Jamie Rucker, Board Agent, NLRB

I am fluent in English and Mandarin Chinese, I have read the foregoing document, and I certify that it is a true and accurate translation of the attached affidavit of Shu Hui Chen, given April 22, 2008.



Su Yun Chen

宣誓书

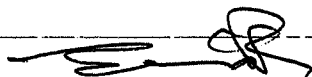
我，陈书辉发誓并特定确定以下内容。

1. 我开始在 Saigon Grill Restaurant ("Saigon Grill," "餐馆", 或 "雇主") 上班是在 2002 年或 2003 年。我是在雇主的 620 Amsterdam 的地方上班。我一直在那里上班直到 2007 年 3 月 3 号。那时我和其他全部的雇员人员都被 Simon Nget 和 Michelle Nget 解雇。
2. 在我被解雇之前的上班时间是星期一到星期天。星期一和星期五我是从上午 11 点开始上班到晚上 12 点。在星期二和星期天，我是从下午 5 点开始上班到晚上 10 点半。星期三是从上午 11 点半到晚上 12 点。星期四是从中午 12 点到晚上 12 点。还有星期六是从下午 5 点到晚上 12 点。每个月我的薪水是 \$520。每一个月，我得到的工资在 \$4000 左右。
3. 在 2007 年 3 月份我被解雇之前，~~每个~~每一个走过 13 条街的单，雇主会支付 1 块钱。如果那单的地地再超过 14 条街，还会加 1 块钱。以前，如果我送餐到东区的店，雇主不会再加额外的钱。
4. 在 2008 年 3 月的时候，有一些^⑤餐馆里的旧员工收到书面的信说^⑥可以回去上半天班。我没有从 Simon Nget，餐馆的老板那里收到电话或书面的信叫我回去上班。
5. 在 2008 年 3 月 17 号的时候，我去过餐馆。那时有一些旧员工想抱在 Ming Yu 已经回去上班了。我跟 Simon Nget 谈过而且也给他看我是允许在美国上班的证件。Simon Nget 有复印了我的证件，也记下我的号码。Simon Nget 告诉我说不没有办法安排我上班。他当时没有说会打电话给我。到目前为止^⑦，没有人从餐馆里打电话给我或写信给我叫我回去上班。

我已读过这份 2 张的声明书各一张。我完全明白这里面的内容。根据我所知道的和新信的，确定这里面的内容是真的。

CHEN SHU HUI
Shu Hui Chen

在我面前发誓是在
26 Federal Plaza, 房间 3614
New York, New York
在 2008 年 4 月 22 号。


Tame Rucker, Board Agent, NLCRB